

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD NOVEMBER 18, 2002 AT 1:00 P.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond Graham, Chairman; Ms. Sharon McCamy, Vice-Chair; Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Larry L. Weeks; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

**AMENDMENTS TO THE BOARD OF SUPERVISORS LEGISLATIVE PROPOSALS
FOR THE 2003 GENERAL ASSEMBLY**

A work session was held to discuss the amendment to the Board of Supervisors Legislative Proposals for the 2003 General Assembly. Eldon James, Legislative Liaison, was present to respond to questions posed by Board members.

CLOSED MEETING

Mr. Weeks moved to go into a closed meeting pursuant to Virginia Code § 2.2-3712 for consultation with the County Attorney for purposes of discussion regarding potential property acquisition relating to the Public Safety Radio System, not releasable to the public. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***

Upon reconvening from the closed meeting, Mr. Weeks moved to adopt the following certification. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 18th day of November 2002, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

The meeting was reconvened in Regular Session at 6:30 p.m. at The Barn auditorium of Lord Fairfax Community College.

CITIZENS TIME

Bill Ward, Director of the Center for Independent Living, described the mission and goals of the center and requested additional funding from the County for programs for disabled citizens.

ADOPTION OF THE AGENDA

Ms. McCamy moved to adopt the Agenda, with the following changes. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton; Mr. Larry L. Weeks; Mr. Joe Winkelmann</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

- Accept a substitute resolution for regular agenda item #2, A Resolution to Approve Special Exception #SE02-S-21, Llewellyn J. Evans, Jr., owner/applicant.
- Add regular agenda item #6, A Resolution to Award Hydrogeology Services Contract for the Northern Sports Complex.
- Add appointment for the Transportation Committee, Scott District.
- Accept a substitute resolution for public hearing agenda item #a, Joint Public Hearing with the Town Council for the Town of Warrenton on a Proposed Boundary Adjustment Agreement Adjusting a 65.446 Acre Portion of a Parcel of Land Identified as PIN 6974-62-2223-000 Into the Corporate Limits of the Town.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Graham presented to Ross D'Urso a Proclamation to Recognize Wayne Edmonds Upon the Occasion of His Retirement.
- Ms. McCamy presented to Gladys Frazier a Proclamation Honoring Ms. Frazier for her Outstanding Public Service to Fauquier County.

- Mr. Atherton presented to Marshall Bailey a Proclamation to Recognize the Contributions of Dr. Bailey in Strengthening Fauquier County Government Operations.

CONSENT AGENDA

Ms. McCamy moved to adopt the following Consent Agenda items. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton; Mr. Larry L. Weeks; Mr. Joe Winkelmann*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

Approval of Minutes for October 21, 2002 Board of Supervisors Regular Meeting

A Resolution to Authorize a Public Hearing to Amend the FY 2003 Adopted Budget in the Amount of \$1,689,333

RESOLUTION

A RESOLUTION AUTHORIZING A PUBLIC HEARING TO AMEND THE FY 2003 ADOPTED BUDGET IN THE AMOUNT OF \$1,689,333

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2003 Budget on March 25, 2002; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its October 16, 2002, the Finance Committee recommended FY 2003 appropriation of \$1,576,841 and transfer of \$112,492 for the following purposes:

Amount	Source of Funds	Issue
FY 2003		
\$7,355	Federal Funds	Share of Forfeiture Proceeds – Sheriff’s Office
\$11,000	Insurance Proceeds	Vehicle – Sheriff’s Office
\$1,000,000	Carryover – Fund Balance	Contingency Reserve
\$22,752	Carryover – Fund Balance	Reserve for Encumbrance – Sheriff’s Office and Budget Office
\$10,000	Federal Funds	Office Renovations – Social Services
\$1,250	Donations	Conference – Community Development
\$11,210	Carryover – Fund	Comprehensive Plan Update – Community

	Balance	Development
\$7,142	Carryover – Fund	Brookside Project Review – Community
	Balance	Development
\$20,000	Carryover – Fund	Traffic Impact Analysis – Community
	Balance	Development
\$35,514	Carryover – Fund	Part Time Temporary Planner Position –
	Balance	Community Development
\$111,367	Airport Revenue	Budget Increase – Airport
\$16,811	Contingency Reserve	Part Time Temporary Aide Position to Full
		Temporary Permanent Officer – Adult
		Court
\$216,000	Joint	911 Center Wireless Equipment – Joint
	Communications	Communications
	Fund Balance;	
	Wireless Grant	
\$106,440	Carryover – Fund	Real Estate Tax/Land Records System
	Balance; Capital	Upgrade – Commissioner of Revenue and
	Improvements	Treasurer
	Program (CIP);	
	Contingency Reserve	
\$75,587	CIP Water Systems	Sewer Systems – School Division
		(Transfer)
\$36,905	CIP Lighting	Sewer Systems – School Division
		(Transfer)
<hr/>		TOTAL
\$1,689,333		

; and

WHEREAS, the Code of Virginia requires local jurisdictions to hold a public hearing for any amendment to the adopted budget exceeding the lesser of \$500,000 or 1% of the total budget; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of November 2002, That the County Administrator be, and is hereby, directed to advertise a public hearing to consider amending the Fauquier County FY 2003 Budget in the amount of \$1,689,333.

An Ordinance Amending Section 7-2 of the Code of Fauquier County to Change Various Voting Places Within the County

ORDINANCE

AN ORDINANCE AMENDING SECTION 7-2 OF THE CODE OF FAUQUIER COUNTY TO CHANGE VARIOUS POLLING PLACES WITHIN THE COUNTY

WHEREAS, by a previously adopted Ordinance, the Fauquier County Board of Supervisors established polling places for the various precincts in each of the County's Magisterial Districts; and

WHEREAS, the County has conducted a review of its polling places in order to determine compliance with the requirements of the Virginians with Disabilities Act, the Voting Accessibility for the Elderly and Handicapped Act and the Americans with Disabilities Act; and

WHEREAS, Section 24.2-310.B. of the Code of Virginia provides that polling places for the conduct of elections shall be located in public places whenever practicable; and

WHEREAS, by resolution, the Fauquier County School Board has consented to the location of the hereinafter described polling places within its schools; and

WHEREAS, after due notice, the Board of Supervisors has held a public hearing and received citizen comment on the proposed changes; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 18th day of November 2002, That Section 7-2 of the Code of Fauquier County be, and is hereby, amended to read as follows:

Sec. 7-2. Same-Enumerated.

The precincts for each magisterial district and the polling place for each precinct shall be as set forth below:

- (1) Cedar Run magisterial district:
 - a. Opal precinct, Liberty High School.
 - b. Casanova precinct, ~~Vepco~~ Dominion Virginia Power Building.
 - c. Catlett precinct, Catlett Fire Hall.
 - d. Kettle Run precinct, St. Stephen's Church.
 - e. Lois precinct, ~~Veterans of Foreign Wars Hall.~~ Mary Walter Elementary School.
- (2) Center magisterial district.
 - a. Airlie precinct, ~~Moose Lodge (Route 605 west).~~ Bradley Elementary School.
 - b. Baldwin Ridge precinct, ~~Heritage Presbyterian Church.~~ P.B. Smith Elementary School.
 - c. Courthouse precinct, Warren Green Building.
 - d. Warrenton precinct, Old Central Elementary School.
- (3) Lee magisterial district:
 - a. Morrisville precinct, Mary Walter Elementary School.
 - b. Bealeton precinct, Cedar Lee Middle School.
 - c. Remington precinct, ~~Lions Building.~~ Pierce Elementary School.
- (4) Marshall magisterial district:
 - a. Leeds precinct, Emmanuel Episcopal Church.
 - b. Marshall precinct, ~~Ruritan Building.~~ Marshall Community Center & Annex.
 - c. Waterloo precinct, ~~National Guard Armory.~~ Fauquier High School.
- (5) Scott magisterial district:
 - a. Broad Run precinct, Lutheran Church (at Route 605).
 - b. New Baltimore precinct, C. Hunter Ritchie Elementary School.
 - c. The Plains precinct, Grace Episcopal Church.

; and, be it

ORDAINED FURTHER, That the County Administrator be, and is hereby, authorized to execute on behalf of Fauquier County polling place use agreements with the owners of non-

publicly owned properties for the use of the polling place in consideration of the County making improvements to the property bringing the property in conformance with the Americans with Disabilities Act and other applicable statutes and acts governing handicapped and disabled access to polling sites.

A Resolution Authorizing the Award of a Proposal for the Construction of a Self-Supporting Tower at View Tree

RESOLUTION

A RESOLUTION AUTHORIZING THE AWARD OF A PROPOSAL FOR THE
CONSTRUCTION OF A SELF-SUPPORTING TOWER AT VIEW TREE

WHEREAS, Fauquier County has requested proposals to remove two guyed communication towers and to construct a 300-foot self-supporting tower at View Tree; and

WHEREAS, the View Tree Tower is a critical component of the public safety radio system; and

WHEREAS, Fauquier County has received and evaluated five proposals; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of November 2002, That the Board of Supervisors does hereby award the proposal to replace the View Tree communications tower to Earl Telecom, LLC, Ashland, Virginia in the amount of \$199,444; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to execute the contract for this proposal.

A Resolution Authorizing the Execution of a Water System Operation and Transfer Agreement for Botha Village, Opal, Virginia

RESOLUTION

A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER SYSTEM OPERATION
AND TRANSFER AGREEMENT FOR BOTHA VILLAGE, OPAL, VIRGINIA

WHEREAS, the Fauquier County Board of Supervisors has taken steps since 1994 to assist with the development of affordable housing at the Botha Village Subdivision; and

WHEREAS, the Fauquier County Board of Supervisors has awarded a contract for the infrastructure required to support the affordable housing at Botha; and

WHEREAS, the Fauquier County Board of Supervisors has agreed to work with the Fauquier County Water and Sanitation Authority (WSA) to provide a safe and sustainable water resource at Botha; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of November 2002, That the Chairman of the Board of Supervisors be, and is hereby, authorized to execute the Water System Operation and Transfer Agreement for Botha Village, Opal, Virginia.

Consider Preliminary Subdivision Application #PP02-M-15, Arlington Builders, Inc. Property, Marshall Magisterial District

No action required.

Consider Preliminary Subdivision Application #PP02-CR-19, Greene Subdivision, Section 2, Cedar Run Magisterial District

No action required.

A Resolution Initiating the Road Abandonment Process for a Portion of Old State Route 671

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO INSTITUTE THE ROAD ABANDONMENT PROCESS FOR A PORTION OF OLD ROUTE 671, WHICH HAS BEEN DISCONTINUED FOR MAINTENANCE AND IS NOT CURRENTLY IN THE STATE SECONDARY SYSTEM OF HIGHWAYS

WHEREAS, the Fauquier County Board of Supervisors has discontinued for maintenance, as a part of the State Secondary System of Highways, a portion of Route 671 approximately 0.1 mile north of its intersection with the northbound lane of Route 50; and

WHEREAS, the Fauquier County Board of Supervisors has received a request to abandon approximately 0.15 mile of the aforesaid road located northeast of the Paris water tank lot, along and within the boundaries of an approximately 32-acre parcel of land identified as PIN 6035-91-4374-000; said portion of road being shown on that certain Fauquier County Geographic Information System Plat dated November 7, 2002 and titled "Portion of Route 671 to be Abandoned"; and

WHEREAS, Virginia Code Title 33.1, Chapter 1, Article 12, Sections 33.1-156, *et seq.*, sets forth a procedure by which roads not in the State Highway System or Secondary System may be abandoned; and

WHEREAS, the Fauquier County Transportation Committee has received a request from a citizen of the County to abandon the aforesaid section of the road; and

WHEREAS, after consultation with appropriate officials from the Virginia Department of Transportation and a review of the pertinent facts and circumstances, the Fauquier County Transportation Committee members present at the October 30, 2002 meeting recommended the abandonment of the aforesaid section of the road; and

WHEREAS, based upon the informal recommendation of its Transportation Committee, the Board of Supervisors wishes to institute the abandonment process for the aforesaid portion of road; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of November 2002, That the County Administrator be, and is hereby, directed to take all steps necessary to institute the road abandonment process for the aforesaid road.

A Resolution to Request that the Virginia Department of Transportation Install “Watch for Children” Signs on North Marigold Court

RESOLUTION

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT
OF TRANSPORTATION INSTALL “WATCH FOR CHILDREN” SIGNS
ON NORTH MARIGOLD COURT

WHEREAS, the Fauquier County Transportation Committee received a request from Jim Tully, a resident on North Marigold Court, to erect “Watch for Children” signage on North Marigold Court; and

WHEREAS, the Virginia Department of Transportation (VDOT) requires that the Board of Supervisors forward a resolution approving each request for “Watch for Children” signage so VDOT may accommodate these requests; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of November 2002, That the Board of Supervisors does hereby authorize the County’s request for installation and maintenance by VDOT of “Watch for Children” signs on North Marigold Court.

A Resolution Authorizing the Extension of a Part-Time, Permanent Employment Position Within the Department of Community Development

RESOLUTION

A RESOLUTION AUTHORIZING THE EXTENSION OF A PART-TIME, PERMANENT
EMPLOYMENT POSITION WITHIN THE DEPARTMENT OF COMMUNITY
DEVELOPMENT

WHEREAS, on August 19, 2002, the Board of Supervisors approved a part-time, permanent position identifying the specific terms and effective through December 31, 2002, to assist in the transition resulting from the retirement, in July 2002, of Carolyn Bowen, as Chief of Zoning, Permitting and Inspections; and

WHEREAS, those terms allowed consideration of extension of this part-time, permanent position; and

WHEREAS, Fauquier County has advertised the permanent position vacancy of Chief of Zoning, Permitting and Inspections, is currently receiving applications and preparing to enter into the interview process; and

WHEREAS, the Board of Supervisors wants to maintain continuity for Zoning and Building operations; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of November 2002, That the part-time, permanent position in Community Development be, and is hereby,

extended and shall terminate on March 31, 2003, unless extended further by the Board of Supervisors.

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE02-S-21 - LLEWELLYN J. EVANS, JR., OWNER/APPLICANT, PINS #6995-15-0169-000, #6995-15-0974-000 AND #6995-15-4081-000, SCOTT MAGISTERIAL DISTRICT

On October 21, 2002, a public hearing was conducted to receive citizen comments on special exception application #SE02-S-21 to allow fill in the floodplain in association with construction of a roadway embankment for a new street and an online Stormwater Management (SWM)/BMP facility. Mr. Weeks moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton;
Mr. Larry L. Weeks; Mr. Joe Winkelmann*
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE02-S-21
LLEWELLYN J. EVANS, OWNER/APPLICANT,
PINS #6995-15-0169-000, #6995-15-0974-000 AND #6995-15-4081-000,
SCOTT MAGISTERIAL DISTRICT

WHEREAS, Llewellyn J. Evans, owner/applicant, is seeking special exception approval pursuant to Zoning Ordinance Category 23 Floodplain Uses, to allow fill in the floodplain in association with construction of a roadway embankment for a new street and an online Stormwater Management (SWM)/BMP facility; and

WHEREAS, on July 25, 2002 and September 26, 2002, the Planning Commission held public hearings on this application and voted to forward the application to the Board of Supervisors with a recommendation of approval; and

WHEREAS, on October 21, 2002, the Board of Supervisors considered the written and orally presented information of the applicants and conducted a public hearing for this application; and

WHEREAS, the Board of Supervisors has determined that the application is in substantial conformance with the Comprehensive Plan and the applicable provisions of the Zoning Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of November 2002, That the special exception request of Llewellyn J. Evans, owner/applicant, to allow fill in the floodplain in association with construction of a roadway embankment for a new street and an online Stormwater Management (SWM)/BMP facility be, and is hereby, approved, subject to the following conditions:

1. The special exception is granted for and runs with the land indicated in this application and is not transferable to other land.

2. This special exception is granted only for the purposes(s), structure(s) and/or use(s) indicated on the special exception plat and application, as may be further qualified by these development conditions. With respect to the floodplain conditions, any final subdivision plat submitted pursuant to this special exception shall be in general conformance with the special exception plan prepared by Bowman Consulting entitled "Airlie Estates", dated August 2002 and received in the Planning Office August 29, 2002, and these conditions.
3. There shall be no increase in flood levels or velocity of floodwaters off-site as a result of the proposed floodplain crossing, as determined to the satisfaction of the County Engineer prior to final construction plan approval.
4. Prior to final construction plan approval, the applicant shall obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA). The applicant shall request a final Letter of Map Revision (LOMR) within 90 days of completing construction of the floodplain crossing. An improvement bond will be required to cover the amount of the LOMR fee, as-built plans, and any other requirements as outlined in FEMA's CLOMR.
5. The final plat for the subdivision shall show the revised floodplain limits. In no instance shall more than 25% of the required minimum lot area for any individual residential lot be covered with the 100-year floodplain.
6. The design of all floodplain impacts shall be coordinated with, and approved by, the County Engineer prior to final construction plan approval.
7. Any land disturbance within the 100-year floodplain shall be stabilized and seeded in accordance with Virginia Erosion and Sediment Control Regulations.
8. If the development streets are required to be public, an additional review and approval shall be required by the Virginia Department of Transportation.
9. The applicant shall provide evidence to the County that any and all required DEQ permits have been obtained prior to approval of the final construction plans.
10. The applicant/developer shall establish a \$10,000 reserve fund for the continuing maintenance of the stormwater management facility, which shall provide that the County shall have access to the funds in the event of a breach of the stormwater management agreement. This fund shall be in the form of an escrow account, which will become the responsibility of the Homeowners' Association (HOA). The HOA will continue to maintain the account in perpetuity. The escrow account shall be created prior to any land disturbance activity associated with pond construction.
11. The applicant/developer shall have an insurance policy in place to cover the liability of the stormwater management facility/wet pond, any dam structures related to the stormwater management pond and/or the road construction. This insurance policy will become the responsibility of the homeowners' association. The policy shall have \$1,000,000 limits of liability and name Fauquier County as additional insured. The insurance policy shall be in place prior to the approval of the final plat. This

condition does not apply to normal short-term construction related issues, which are managed primarily through the County's erosion and sediment controls procedures.

A RESOLUTION TO DENY MODIFICATION OF SECTION 3-2 (A)(6) OF THE SUBDIVISION ORDINANCE

Mr. Atherton moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton; Mr. Larry L. Weeks; Mr. Joe Winkelmann*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO DENY MODIFICATION OF SECTION 3-2(A)(6) OF THE SUBDIVISION ORDINANCE

WHEREAS, J.B.C. Developers, Inc., applicant, wishes to obtain a modification to Section 3-2(A)(6) of the Subdivision Ordinance which would allow three administrative subdivisions greater than 5,000 feet from a state road; and

WHEREAS, on August 29, 2002, and October 24, 2002, the Fauquier County Planning Commission reviewed the request of J.B.C. Developers, Inc., and the Commission voted unanimously to recommend denial of the subdivision modification request; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of November 2002, That the requested modification to Section 3-2(A)(6) of the Subdivision Ordinance be, and is hereby, denied; and, be it

RESOLVED FURTHER, That the proposed administrative subdivision applications greater than 5,000 feet from a state road shall not be approved.

A RESOLUTION TO AMEND THE BOARD OF SUPERVISORS' LEGISLATIVE PROPOSALS FOR THE 2003 GENERAL ASSEMBLY

Mr. Winkelmann moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton; Mr. Larry L. Weeks; Mr. Joe Winkelmann*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO AMEND THE BOARD OF SUPERVISORS' LEGISLATIVE PROPOSALS FOR THE 2003 GENERAL ASSEMBLY

WHEREAS, Fauquier County has a variety of issues and interests which require legislative action by the Virginia General Assembly; and

WHEREAS, the Virginia Association of Counties (VACo) has requested submission of such legislative proposals for consideration in the 2003 VACo Legislative Program; and

WHEREAS, on June 17, 2002, the Board of Supervisors adopted its Legislative Proposals for the 2003 General Assembly Session; and

WHEREAS, from time to time the Board of Supervisors may amend its Legislative Program to include additional legislative priorities and issues; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of November 2002, That the Board of Supervisors' 2003 Legislative Program be, and is hereby, amended as follows:

LEGISLATIVE PRIORITIES:

- Adequate Public Facilities - Fauquier County supports Adequate Public Facilities legislation, which would permit high growth localities, as part of their subdivision or zoning ordinance, to determine whether public facilities are adequate to support the services which will be required by the proposed subdivision or rezoning.
- Impact Fees - Fauquier County continues to support legislation that would allow localities the option to assess impact fees for School Construction and other essential government services in lieu of voluntary cash proffers.
- School Funding - Fauquier County supports the full funding of the State's share of the Standards of Quality, full funding of any categorical educational mandate, including pay raises, and full funding of the State's portion of the Standards of Learning relating to instructional technology. Fauquier County also supports increased funding for School Construction.
- Cost of Competing - Fauquier County respectfully requests those State legislators representing Fauquier County introduce legislation to incorporate Fauquier County into the Cost of Competing School Funding Formula.
- Local Revenue Authority- Fauquier County opposes any measure that would eliminate or reduce any local government revenue authority.
- Local Government Zoning and Land Use Authority - Fauquier County opposes any further dilution of the zoning and land use regulatory authority of local governments.
- Revenue Sharing - Fauquier County strongly supports any legislative proposal that results in the State sharing a portion of its income tax revenues (within its existing

rate structure) with localities and which provides local flexibility in determining how it should be used.

- Increased Local Authority - Fauquier County supports legislation to provide for increased local authority in planning, zoning and revenue matters through a statutory relaxation of the Dillon Rule. The relaxation of the Dillon Rule should not, however, be accompanied by a shift of responsibility for various programs from the State government to local government.
- Purchase of Development Rights - Fauquier County supports increased State funding for the purchase of conservation easements and other land conservation needs.
- Transfer Tax - Fauquier County supports legislation that would enable counties and cities, through local option, to enact a real estate transfer tax.
- Land Use Taxation - Fauquier County supports legislation that would lengthen the Use Value Taxation rollback period to at least ten years.
- Affordable Housing - The Board of Supervisors respectfully requests those State legislators representing Fauquier County introduce legislation to include Fauquier under the provisions of Section 15.2304 of the Virginia Code which would enable Fauquier County to require affordable housing. Note: the current Section of the Virginia Code that applies to Fauquier County, Section 15.2305, allows localities to create and implement programs that encourage production of such housing.
- Vehicle Safety Inspections - The Board of Supervisors respectfully requests those State legislators representing Fauquier County introduce legislation to add Fauquier County to the list of jurisdictions contained within Virginia Code Section 46.2.1001 authorized to perform vehicles safety inspections on any motor vehicle, trailer or semi-trailer.
- Water Resources Planning - Fauquier County supports a comprehensive study of the Commonwealth's surface and groundwater resources.
- Land Use Taxation - Fauquier County supports legislation that would allow local governments the option of excluding commercial, industrial, and/or residentially zoned properties from the Land Use Taxation Program. Fauquier County further supports the local option to exclude properties within designated service districts as may be contained within a locality's Comprehensive Plan.

CONSIDER PRELIMINARY SUBDIVISION APPLICATION #PP02-L-16, RIVERTON SUBDIVISION, LEE MAGISTERIAL SUBDIVISION

Mr. Atherton moved to table a decision to consider preliminary subdivision application #PP02-L-16 until the next regular meeting on December 16, 2002. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton; Mr. Larry L. Weeks; Mr. Joe Winkelmann*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

A RESOLUTION TO AWARD A HYDROGEOLOGY SERVICES CONTRACT FOR THE NORTHERN SPORTS FIELD COMPLEX

Mr. Atherton moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Harry Atherton; Mr. Larry L. Weeks; Mr. Joe Winkelmann*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO AWARD A HYDROGEOLOGY SERVICES CONTRACT FOR THE NORTHERN SPORTS FIELD COMPLEX

WHEREAS, Fauquier County published a Request for Proposal (RFP) for hydrogeology services for the Northern Sports Field Complex Project; and

WHEREAS, seven engineering firms submitted proposals; and

WHEREAS, based on review of all submissions by the County's Review Committee, the top-ranked company was identified as Emery & Garrett Groundwater, Inc.; and

WHEREAS, the proposed contract award has been recommended for approval by the Northern Sports Field Complex and Park Oversight Committee; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of November 2002, That award for Hydrogeology Services for the Northern Sports Field Complex is made to Emery & Garrett Groundwater, Inc., in the amount of \$139,150.00; and, be it

RESOLVED FURTHER, That said award is made contingent on review and acceptance of the Hydrogeology Services contract by the County Attorney; and, be it

RESOLVED FINALLY, That the Chairman of the Board be, and is hereby, authorized to sign the contract on behalf of the Fauquier County Board of Supervisors.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Airport Committee – Bob Newman, Citizen-At-Large, term to expire December 31, 2003
- Planning Commission – John Meadows, Lee District Representative, term to expire January 26, 2006
- Transportation Committee – Larry Weeks, Scott District Representative, term to expire December 31, 2003

SUPERVISORS TIME

- Mr. Winkelmann welcomed Mayor George Fitch and members of the Warrenton Town Council to the meeting for the joint public hearing.
- Mr. Graham welcomed to the community Reverend James L. McCray, from Mt. Zion Baptist Church.

ANNOUNCEMENTS

- Mr. Lee announced that the next regular Board of Supervisors' meeting would be held on December 16, 2002 at M.M. Pierce Elementary School in Remington, Virginia.
- Mr. Lee invited the public to attend a meeting of the Fauquier Caucus to be held in Casanova on November 19, 2002.

JOINT PUBLIC HEARING WITH THE TOWN COUNCIL FOR THE TOWN OF WARRENTON ON A PROPOSED BOUNDARY ADJUSTMENT AGREEMENT ADJUSTING A 65.446 ACRE PORTION OF A PARCEL OF LAND IDENTIFIED AS PIN 6974-62-2223-000 INTO THE CORPORATE LIMITS OF THE TOWN OF WARRENTON

Mayor George Fitch and members of the Warrenton Town Council joined the Fauquier County Board of Supervisors on the dais in order to conduct a joint public hearing to consider a proposed boundary adjustment agreement, adjusting a 65.446 acre portion of a parcel of land into the corporate limits of the Town of Warrenton, for purposes of constructing a park and recreational facility. The property is located in Center District on the northern side of Virginia State Route 211, and is adjacent to the Town's sewage treatment plant. Paul Bernard, of Rickmond Engineering, and representing the applicant, described the subject property and details of the proposed boundary adjustment. Chris Mothershead, AICP, representing the applicant, discussed the purpose of the boundary adjustment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A PROPOSED BOUNDARY ADJUSTMENT AGREEMENT ADJUSTING A 65.446 ACRE PORTION OF A PARCEL OF LAND IDENTIFIED AS PIN 6974-62-2223-000 INTO THE CORPORATE LIMITS OF THE TOWN

WHEREAS, St. Leonard's Farm, Inc., is the owner of a certain portion of a tract of land containing 65.446 acres, more or less, being more thoroughly described as a portion of Fauquier County PIN 6974-62-2223-000, said property having been conveyed to St. Leonard's Farm, Inc., a Virginia Corporation, in Deed Book 311, Page 611, among the land records of Fauquier County; and

WHEREAS, the property described above is the subject of a land sale agreement between the Town of Warrenton ("Town") and St. Leonard's Farm, Inc., wherein the Town is purchaser of the property and St. Leonard's Farm, Inc., is the seller of same; and

WHEREAS, the 65.446 acres described above is located within the County of Fauquier, but is contiguous to the Town and shares a common border with the Town; and

WHEREAS, the Town and County, pursuant to Virginia Code §15.2-3106, 1950, as amended, desire to adjust their common boundary to include within the Town the 65.446 acre portion of St. Leonard's Farm, which is described above and is to be acquired by the Town; and

WHEREAS, in furtherance of the foregoing, the Town has commissioned the preparation of a Plat of Land Survey more particularly setting out the new boundary lines and corporate limits between the Town and County as well as identifying the property to be acquired and adjusted into the corporate limits of the Town of Warrenton, which is identified as a "Boundary Line Adjustment of the lands of St. Leonard's Farm, Inc., and Corporate Boundary Adjustment between the Town of Warrenton and Fauquier County, Virginia, dated November 5, 2002; and

WHEREAS, on October 31, 2002, and November 7, 2002, the County published a notice of intent to adopt a Boundary Adjustment Agreement, as required by Section §15.2-3107 of the Virginia Code, relocating the above described property within the corporate limits of the Town of Warrenton; and

WHEREAS, on November 18, 2002, pursuant to §15.2-3107 of the Virginia Code, the Town Council for the Town of Warrenton and the Board of Supervisors of Fauquier County held a joint public hearing to, among other related matters, receive citizen comment on the proposed Boundary Adjustment Agreement; and

WHEREAS, the Board of Supervisors, by adoption of this resolution, has determined it to be in the best interest of the citizens of the County of Fauquier and the Town of Warrenton, to adjust the above described property into the corporate limits of the Town of Warrenton and for a consequent change and relocation of the pertinent boundary line for the purpose of creating a new park and recreational facility located within the boundaries of the Town of Warrenton; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of November, 2002, That the Board of Supervisors does hereby adopt as its Boundary Adjustment Agreement that certain, unexecuted agreement between the Town and County, which is included in the Board of Supervisors permanent files as Exhibit "B", and that the County Administrator be, and is hereby, authorized and empowered to execute and deliver such Boundary Adjustment Agreement to the Town of Warrenton and thereby locating that certain 65.446 acres, more or less, being more thoroughly described as a portion of PIN 6974-62-2223-000, as described and depicted on that Plat which is included in the Board of Supervisors permanent file as Exhibit "A", which shall be the governing plat concerning the issue of corporate boundary lines between the Town and County and which is designed as a portion of PIN 6974-62-2223-000 into the corporate limits of the Town of Warrenton; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to take all actions needful and necessary to incorporate within the boundaries of the Town the aforementioned parcel including, but not limited to, the

preparation, filing and prosecution, jointly with the County of Fauquier, of a petition to adjust such boundaries as required and authorized under Virginia Code §15.2-3108.

**VIRGINIA DEPARTMENT OF TRANSPORTATION SECONDARY
TRANSPORTATION SIX-YEAR PLAN**

A joint public hearing was held with the Resident Engineer from the Virginia Department of Transportation to receive public comment on the proposed Secondary System Construction Program for Fiscal Years 2003/04 through Fiscal Years 2008/09. Robert Moore, representing Virginia Department of Transportation, gave an overview of the proposed six-year plan and described ongoing projects and timelines. Jan Mills, Carleen Morris, and Randy West, of Marshall District, spoke in favor of improvements to Ramey Road. Mike Curran, Marshall District, spoke in opposition of improvements to Ramey Road. Marilyn Blakely, Laura Kitchin, Casey Magee, Ann Masch, and Robert Hinkle, of Marshall District, spoke in opposition to improvements to Moss Hollow Road. Ed Palmer, Larry McKenzie, Richard Blakely, and Laura Levy, of Marshall District, spoke in favor of improvements to Moss Hollow Road. Sam Butler, Cedar Run District, requested that Nightingale Lane be added to the six-year plan and offered to donate land to Virginia Department of Transportation for a right-of-way. No one else spoke. The public hearing was closed. Mr. Atherton moved to refer the Secondary Road Plan to the Fauquier County Transportation Committee for review and recommendation. Ms. McCamy seconded, and the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

**BEALETON, OPAL, AND REMINGTON AMENDMENT TO THE COMPREHENSIVE
PLAN**

An adjourned public hearing was reconvened, having been continued from October 21, 2002, to allow citizen comments from those who had not previously testified on the proposed amendments to the Bealeton, Opal, and Remington Comprehensive Plan. Rick Carr, Director of Community Development, discussed refinements made to the text of the proposed plan amendment. Karen Dorschner, Lee District, spoke in opposition to changes in the existing industrial district. Don Tharpe, Lee District, spoke to changes in the plan as they related to his property. Sam Butler, Cedar Run District, requested further clarification of the plan. No one else spoke. The public hearing was closed. Ms. McCamy moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION ADOPTING THE BEALETON – OPAL – REMINGTON SERVICE DISTRICT AMENDMENTS TO THE COMPREHENSIVE PLAN

WHEREAS, Fauquier County has periodically reviewed and updated the County Comprehensive Plan; and

WHEREAS, in April 2002, the Board of Supervisors established a Citizen Committee to update the 1994 Bealeton – Opal – Remington elements of the Comprehensive Plan; and

WHEREAS, the Citizen Committee worked for two years to review, refine and share new insights and proposals for these three Service Districts in a variety of town hall meetings, and completed revised Plans in May 7, 2002; and

WHEREAS, the Fauquier County Planning Commission reviewed the Plans throughout the summer, and held public hearings in July, August and September of 2002; and

WHEREAS, on September 26, 2002, the Planning Commission moved to transmit revised Plans to the Fauquier County Board of Supervisors with a favorable recommendation to adopt; and

WHEREAS, on October 21, 2002, the Board of Supervisors held a public hearing; and

WHEREAS, the Board of Supervisors further refined the texts; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of November 2002, That the Board adopt the Amended Bealeton – Opal – Remington Service District Plans as revised and dated November 14, 2002; and, be it

RESOLVED FURTHER, That the Board of Supervisors thanks and commends the Bealeton – Opal – Remington Citizens' Committee, the Planning Commission and all those who contributed to the creation of these plan elements for the time, effort and care expended in this process.

FISCAL YEAR 2002/2003 BUDGET AMENDMENTS

A public hearing was held to consider an amendment to the FY 2002 adopted budget in the amount of \$308,469 and the FY 2003 adopted budget in the amount of \$547,013 for various budget related issues including, but not limited to, Purchase of Development Rights Program, new middle school construction, and modular classrooms at Fauquier and Liberty High Schools. Bryan Tippie, Budget Director, gave an overview of the proposed budget amendments. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION TO AMEND THE FY 2002 ADOPTED BUDGET IN THE AMOUNT OF \$308,469 AND THE FY 2003 ADOPTED BUDGET IN THE AMOUNT OF \$547,013

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2002 Budget on March 19, 2001 and the FY 2003 Budget on March 25, 2002; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Finance Committee has recommended FY 2002 appropriation of \$308,469 and FY 2003 appropriation of \$334,599 and transfer of \$212,414 for the purposes set forth below; and

WHEREAS, the Code of Virginia requires local jurisdictions to hold a public hearing for any amendment to the adopted budget exceeding the lesser of \$500,000 or 1% of the total budget; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of November 2002, That the County Administrator be, and is hereby, directed to amend the Fauquier County FY 2002 Budget in the amount of \$308,469 and FY 2003 Budget in the amount of \$547,013 as follows:

Source	FROM Code	Amount	Department	TO Code	Amount
FY 2002					
Land Use Roll Back	3-302-111001- 0004	\$308,469	Budget Office	4-302-94160- 8226	\$308,469
FY 2003					
Local Donation	3-100-189915- 0001	1,200	Sheriff's Office	4-100-031200- 6029	\$1,200
Fund Balance – Carryover	3-100-419000- 0010	\$3,952	Sheriff's Office	4-100-031262- 1201	\$3,952
Federal Funds	3-100-331000- 0200	\$14,232	Sheriff's Office	4-100-031262- 1201	\$14,232
Fund Balance Carryover	3-100-419000- 0010	\$2,412	Commonwealth Attorney's Office	4-100-022110- 5879	\$2,412
Insurance	3-302-411000-	\$500	Budget Office	4-302-094200-	\$500

Proceeds	0050			6100	
Donations	3-734-189300-0040	\$3,369	Parks & Recreation	4-302-094120-8223	\$3,369
General Funds	3-100-111001-0004	\$100,000	Budget Office	4-302-94160-8226	\$100,000
Bond Proceeds	3-205-189911-0015	\$134,423	School Division	4-302-94611-9999	\$134,423
Fees	3-205-191000-0011	\$5,490	School Division	4-205-61100-6013-300-004-000	\$736
				4-205-61100-1621-200-004-000	\$4,754
State Funds	3-205-242000-0056	\$16,228	School Division	4-205-61100-6014-300-009-000	\$16,228
Contingency Reserve	4-100-091400-9618	\$30,608	Registrar	4-100-13200-5420	\$30,608
School Construction Fund	4-302-094625-9409	\$150,000	School Division	4-302-85601-8215	\$150,000
Construction Reserve	4-302-091400-0205	\$60,966	School Division	4-302-94607-8215	\$60,966
School Construction Fund	4-302-94680-3140	\$2,180	School Division	4-302-85601-8213	\$23,633
	4-302-94680-8201	\$2,685			
	4-302-94680-8215	\$5,691			
	4-302-94680-9301	\$937			
	4-302-94680-9999	\$12,140			
TOTAL		\$855,482	TOTAL		\$855,482

AMENDMENT TO NEW BALTIMORE SERVICE DISTRICT – SEWER SERVICE AREA

A public hearing was held to consider a Comprehensive Plan Amendment to remove a portion of a 29.20-acre tract of land, being identified as a portion of PIN #7915-31-0883-000,

from the New Baltimore Sewer Service District Area, and reconfirming that PIN #7914-39-5958-000, #7914-39-7816-000, #7915-31-2397-000, #7915-31-6181-000, and #7915-40-0327-000 are not within the New Baltimore Sewer Service District Area. Rick Carr, Director of Community Development, summarized the purpose of the proposed amendments. No one else spoke. The public hearing was closed. Mr. Weeks moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: **Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks**
Nays: **None**
Absent During Vote: **None**
Abstention: **None**

RESOLUTION

A RESOLUTION APPROVING THE AMENDMENT TO THE NEW BALTIMORE SERVICE DISTRICT PLAN REGARDING AREAS PLANNED AND NOT PLANNED FOR PUBLIC SEWER

WHEREAS, the Board of Supervisors initiated an amendment to the Comprehensive Plan for the New Baltimore Service District to conform to the approved 975 lot preliminary subdivision for the Brookside Farm/Brookside Communities; and

WHEREAS, on September 16, 2002, the Board of Supervisors referred that proposed amendment to the Planning Commission for public hearing and recommendations; and
WHEREAS, on October 24, 2002, the Planning Commission conducted its public hearing on the referenced plan amendment and forwarded it to the Board of Supervisors with a recommendation of approval; and

WHEREAS, the Board of Supervisors conducted a public hearing on the referenced amendment to the Comprehensive Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of November 2002, That a portion of the 29.20 acre parcel of land, more particularly described as PIN #7915-31-0883, which is not a part of the approved preliminary subdivision plat of the Brookside Subdivision (#PPR02-S-03), be removed from the designated sewered area of the New Baltimore Service District; and, be it

RESOLVED FURTHER, That the Board of Supervisors does hereby reconfirm that the following parcels are not within the sewered area of the New Baltimore Service District, said parcels being more particularly described as PIN #7914-39-5958, #7914-39-7816, #7915-31-2397, #7915-31-6181 and #7915-40-0327.

SPECIAL EXCEPTION #SE03-CR-06 – DENNIS W. GORDON, OWNER / APPLICANT

A public hearing was held to consider a request for special exception approval under Category 26 of the Zoning Ordinance that would allow for a decrease in the non-common open space requirement. The property, identified as PIN #7848-61-9095-000, contains approximately 131.75 acres and is located on the south side of Cromwell Road, west of its intersection with Brent Town Road (Route 612), in Cedar Run District. Rick Carr, Director of Community Development, summarized the special exception application. No one else spoke. The public

hearing was closed. Mr. Graham moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE03-CR-06 – CATEGORY 26: REDUCTION IN NON-COMMON OPEN SPACE, PIN 7848-61-9095-000, CEDAR RUN DISTRICT, DENNIS GORDON, APPLICANT

WHEREAS, Dennis Gordon, the owner of the property identified by PIN 7848-61-9095-000, has requested a Category 26 Special Exception, to reduce the required Non-Common Open Space in an RA zone; and

WHEREAS, the requested Special Exception is preparatory to the adjustment of the boundary line of the adjacent property identified by PIN 7848-71-9170-000; and

WHEREAS, on October 24, 2002, the Planning Commission voted unanimously to forward Special Exception #SE03-CR-06 to the Board of Supervisors with a recommendation of conditioned approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of November, 2002, That Special Exception #SE03-CR-06, Dennis Gordon, Owner/Applicant, be, and is hereby, approved, subject to the following conditions:

Concurrent with the County's approval of the boundary line adjustment to the parcel described as PIN 7847-71-9170-000, the applicant shall:

1. Record a Deed of Easement designating the remainder of the lot described as PIN 7848-61-9095-000 (113.25 acres) as non-common open space, and
2. Record an easement restricting the lot described as PIN 7847-71-9170-000 (24.5 acres) from any further subdivision.

REZONING REQUEST #RZ02-L-05 - DONALD R. THARPE, TRUSTEE, OWNER/APPLICANT

A public hearing was held to consider a request for approval of Rezoning Request #RZ02-L-05, to rezone 83 acres of an 85-acre parcel from Rural Agriculture (RA) to Planned Development Mixed Use (PDMU), to allow for a mixture of commercial and residential uses. The property, identified as PIN #6899-29-5691-000, is located on the east side of Marsh Road (Route 17) near its intersection with Independence Avenue (Private Street), in the Bealeton Service District, Phase I-Sewered, in Lee District. Rick Carr, Director of Community Development, summarized the rezoning request. Don Tharpe, Lee District, applicant, gave a chronology of the application process. Mr. Tharpe introduced Bill Lincicomb, architectural planner, Liza Mueller, landscape planner, and Vern Torney, transportation planner, who gave a Powerpoint presentation of the proposed Great Marsh Subdivision. Jim Van Luven, Lee District,

Mara Seaforest, Cedar Run District, Ava Shaw, Lee District, Evelyn Olinger, Lee District, Ruth White, Lee District, Joel Esparley, Lee District, and Dick Shaw, Lee District, spoke in opposition to the rezoning request. No one else spoke. The public hearing was closed. Ms. McCamy moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous, as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO DENY APPLICATION #RZ02-1-05 OF DONALD R. THARPE, TRUSTEE, TO REZONE 83 ACRES OF REAL PROPERTY IDENTIFIED AS A PORTION OF PIN #6899-29-5691-000 FROM RA TO PDMU ZONING DISTRICT

WHEREAS, Donald R. Tharpe, Trustee, the owner of an 85-acre parcel currently zoned RA, and more particularly identified as PIN #6899-29-5691-000, has filed an application requesting that 83 acres of the property be rezoned from its present RA zoning to the PDMU zoning district; and

WHEREAS, on October 24, 2002, the Planning Commission unanimously recommended that the rezoning request be denied; and

WHEREAS, the Board of Supervisors of Fauquier County, after due notice and public hearing, has determined that:

- (1) the application is not in conformance with the planned zoning category identified in the adopted Comprehensive Plan for the property;
- (2) the property is not located in a utility service district as identified in the adopted Comprehensive Plan and the PDMU zoning district requires that public sewer and water services be provided for any development within the zoning district;
- (3) the proffers submitted with the application do not alleviate the impacts of rezoning;
- (4) the application does not adequately address the traffic impacts and transportation needs and requirements as identified by the Virginia Department of Transportation and the Department of Community Development;
- (5) the application would result in out of sequence development;
- (6) the applicant has other reasonable uses available to his property under the present zoning;

now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of November 2002, That application #RZ02-1-05 of Donald R. Tharpe, Trustee, to rezone 83 acres of real property, identified as a portion of PIN #6899-29-5691-000, from the RA zoning district to PDMU zoning district be, and is hereby, denied.

With no further business, the meeting was adjourned.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on November 18, 2002.

G. Robert Lee
Clerk